G. R. S. 59] GPB—15,000—20-12-13

GENERAL AND REVENUE SECRETARIAT.

1914. 15

(~~Pol~~ Courts)

File No. 46-14

may be preserved

Serial Nos. 1—7

Arr 31/5/15

Papers Filed.

Month Feb 15

SUBJECT.

Extradition by the Miraj State of Ghuda Sadar Khan under remand in the Haripar Lock-up.

PREVIOUS REFERENCES.	LATER REFERENCES.
Cs- 19-05 (1-3) B	Pol 157-14. Cts 268-18 (illegible) Cts. 44-22 (1-3) " 17-15 (illegible)

M Ghosal
9.2.15

G.R.S. 11] 1914.

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 16-14

FILE HEADING.

Extradition by the Miraj State of Ghuda Sadar Khan under remand in the Haribar lock ...

From

The D. M. Khandesh

No. 110 Dated 22nd Aug 14 Received 31st

Diary No. 761	Enclos. —	Spare Copies. —	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Reports that at the instance of the Miraj Police, the individual named above has been remanded, for 15 days from the 22nd Aug 1914, to the Haribar lock up by the Magistrate of Dawangere & requests that the authority of Miraj may be moved to have him extradited.

NOTES AND ORDERS.

The procedure for the extradition of persons between allpore and the native states under the political jurisdiction of the Bombay Govt. is set out ch fil 19-05 81-1. The detention of the person may perhaps be communicated to the Miraj authorities

NOTES—First Sheet.

GPB—35,000—15-6-12

F. R. S. 12]

General and Revenue Secretariat.

File No. 46 of 1914.

Serial No.	
	for such action as they may deem fit to take.
	Putup draft letter. Act.
	Draft subd.
2.	To the H. A. Resident no 1998 dy 2 Sept 1914. Requests that the Miraj authorities may be moved to have the accused extradited.
3.	From the Same officer no 6490 dy 8 Sept 1914. Forwards a warrant for the surrender of Ghulam Walad Sadar Khan to the Miraj Dt Magte. Subd with a draft.
4	To The D. M., Dhulia. No J 730 dy 12.9.1914. Forwards a warrant for the surrender of the accused and requests that he surrender

NOTE—Contn. sheet.

GPB—10,000—13-6-14

G. R. S. 12]

General and Revenue Secretariat.

C5 File No. 46 of 1914-15

Serial No.	
5	From the D. M., Chittagong Dist No 182 Dy 22.10.1914 Refers to the orders of Govt. a legal difficulty in remanding an accused to another State for a period of more than fifteen days and suggests that the State Govt. to which the accused in such case may be moved to have the necessary warrant produced within 15 days of the arrest or a special law introduced into Legislative authorizing Magistrate to detain accused in such case for more than 15 days.
6	From the same offices No 199 Dy 29.10.1914 Intimates with reference to Sl 4 that the accused was surrendered to the Dy. Opium on the 11th Sept 1914. 6 The surrender of the accused has to be intimated to the Regn. Sub with a copy to the H. A. Resident. 7 After issue of this letter, the file will be sent for consideration of the suggestions made by the D. in Sl 5 above. Kg. 116 31.X.1914 Issue S 31/11

Sheet.

GPB—10,000—13-6-14

(I. R. S. 12]

General and Revenue Secretariat. File No. 46 of 1914-15

Serial No. 7

To The F. A. Resident

No 396 S. 3 of

Sd/- [illegible] for S. S. Regent

Sardar Khan was surrendered by

[illegible] on 4/11/14

Subject for consideration of the application made by the Dist. Magistrate vide his D.O. No. 46 dated 4-11-1914 to W.

The district magistrate of Chitaldrug applies on the absence of any provision of law in Mysore similar to the one found in S 10 of the Indian Extradition Act.

Under the law in force here, any person who is reasonably suspected of having committed an offence out of Mysore, or against whom any credible information is received, can be arrested without warrant (vide S 54 of the Criminal Procedure Code) but under S 167 he cannot be ordered to be detained in custody for more than 15 days on the whole. If no warrant for his extradition is received in that period during the Residency, he ought to be discharged. As a matter of practice, he is detained for a further period, though there is no legal provision authorising this practice of detention.

In British India, a period of 2 months is provided for such detention under S 10 (3) of the Indian Extradition Act

NOTE—Contn. sheet.

GPB—03,000—15-9-14

G. R. S. 1-2

General and Revenue Secretariat.

File No. of 191 .

Serial No.

In many cases, the period of 15 days will not be sufficient for the production of sufficient to prove the case and the submission of the warrant through the Residency, and it may not be expedient to release the accused also before the receipt of the warrant. It seems therefore necessary that some legal enactment should be provided for his detention for two months and it seems highly doubtful whether any detention of persons suspected of having committed an extraditable offence in British India can be made by the magistrate here under the provisions of S 167 of the Criminal Procedure Code.

Ed 13/7/15

Pol. Member

The difficulty does not arise in respect of offences in British India, as their warrants will be executed here as if they were warrants of our own Courts. It may occasionally arise in cases connected with Native States, but I do not consider that there is need of any special law - as in the case of

1914

From The District Magistrate, Chittagong

To The Secretary to the Govt. of H.H. the Maharaja of Hill Tippera, General & Revenue Dept., Bengal

Dated
Despatched } 2. 11. 14
Received

General No.
No.

Enclosure No.

Requesting to move on to reference to the Miraj authorities to take early steps for extradition of accused Ghuda Sardar resident of Miraj who is under arrest at Chittagong.

Requesting that the Miraj authorities may be moved to extradite an accused person etc

G. R. S. 26] 2/9

File No. 46-14

Serial No. 2

Diary No. of letter replied to

Pol No. 199/Aug.

General and Revenue Secretariat

( )

, the *191* .

To

The L. A. Resident.

Sir.

Date of issue 2.9.1914.

Signed by Mr L. M. Narasinja Rao.

I am directed to forward herewith copy of letter No 110 of 28th Aug 1914 from the Dy. Magistrate Chitaldrug Dy. intimating the arrest and detention of one Ghulam Sadar Khan of Miraj.

I am to request that the authorities of Miraj may be moved to take early steps for extraditing the accused in accordance with the procedure communicated in

over.

SUBJECT.

Pol Dep 500 of 9-9-1914.

No. 6490

From

P. B. WARBURTON, Esq., I. C. S.,

FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

[illegible]

Dated Bangalore, 8th September 1914

Sir,

[illegible]

I have the honour to be,

Sir,

Your obedient servant,

P. B. Warburton

First Assistant to the Resident.

CAS.

G. R. S. 26]

179

Diary No. of letter replied to 871

General and Revenue Secretariat

( )

, the *191* .

Date of issue 12.9.14

Signed by [illegible]

eb File No. 46-14

Serial No. 4

No. 1730

To The D.C. Chitaldroog

Sir.

With reference to your letter no 110 of 28th Aug 1914 regarding the extradition of one Ghuda Sadar Khan, I am directed to forward herewith, a warrant for the surrender of the accused, received from the Resident, Kolhapur, & Political Agent, Southern Maharatta Country States.

I am to request that the accused may be caused to be forwarded to the

over.

SUBJECT.

8

1914

From The District Magistrate
Chitaldrug District.

C.P.10/10

To The Secretary to the Govt of
H. H. the Maharaja of Mysore
Genl & Rev Departments.
Bangalore

Dated 22d
Despatched } October 1914.
Received

General No. 182.
No.

Enclosure No.

Requesting instructions
in regard to the detention of —
accused over 15 days in —
certain cases.

GPB—50,000—26-9-12

4. As the Indian Extradition Act XV of 1903 is not in force in Mysore the detention of the accused under orders of the Magistrate in such cases must be governed by the provisions of the Criminal Procedure Code as in force in Mysore. Section 167 of the said Code authorises a Magistrate to remand an accused to custody from time to time for a period not exceeding 15 days in all in cases where their detention is considered necessary for the police to complete the investigation of the case. And under section 344 Criminal Procedure Code a Magistrate may postpone enquiry or trial and remand the accused to custody from time to time for reasons noted in the section but not exceeding 15 days at a time. But as this relates to remanding of accused who is undergoing trial before the Magistrate, this section does not apply to cases of the kind referred to in paras 2 and 3 above.

5. There appears to be no other provision of the law to govern cases of the kind to enable Magistrates to remand accused to custody for more than 15 days in all.

6. It is therefore necessary either to arrange with the British and other authorities on whose behalf the accused are arrested and remanded, that the necessary warrants are produced before the Mysore Magistrates within 15 days from the date of remand to effect the surrender of the accused in conformity with the provision of section 167 Criminal Procedure Code or to introduce into Mysore a special law authorising Magistrates to detain accused in such cases for more than 15 days, similar to the provisions of section 10 Clause 3 of the Indian Extradition Act 1903.

7. I therefore request that Government will be pleased to pass the necessary orders on this reference.

I have the honor to be,

S I R,

Your most obedient servant,

District Magistrate,

Chitaldrug District.

S.V.

From The Deputy Commissioner
Chitaldrug

To The Secretary to the Govt of
H. H. the Maharaja of Mysore
Revenue & Revenue Department
Bangalore

Dated 30th October 1912
Despatched
Received

General No. 197
No.

Enclosure No.

Intimating that the accused Ghuda Sadashiva is reported to have been surrendered to the District Magistrate of Mirzapur on 2nd September 1912

GPB 50,000 26-9-12

Miscellaneous Establishment of an Agency ...

15

G. R. S. 26]

File No. 46-14

Serial No. 7

Diary No. of letter replied to _____

Pol No. 396

General and Revenue Secretariat

( )

, *the* 191 .

To

The H. A. Resident

Date of issue 3. 11. 1914

Signed by Mr. D. M. Narasinga Rao

Sir,

Adverting to correspondence ending with your letter No 6490 dated the 8th Sep' 1914 forwarding a warrant from the Resident, Kolhapur and Political Agent, S. M. Country States, for the surrender of Ghuda Walad Sardarkhan, I am directed to state that the said person is reported to have been surrendered to the Senior

P.T.O. over.

SUBJECT.